

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 22, 2008

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Hastings, J. (Assigned), and Weisberg, J. (Assigned) and P. Silva, Deputy Clerk.

B199900 Rosal v. American Companion

Argument waived, cause submitted.

Each of the following:

B190775 Aguilera v. 20th Century Insurance
B202085 Larner v. Pacific Health Corporation
B203338 Boehr v. Discover Bank
B204179 Light v. City of Los Angeles

Matters continued to November 19, 2008.

B202058 M. Darlene Allen
 v.
 Supara Ratanasadudi

Merits:

Argued by Donna Bader for appellant and by Michael J. Pearce for respondent. Cause submitted.

DIVISION ONE (continued)

B193055 Mohamed C. Malam et al.
 v.
 Toyota Motor Corporations, et al.

Merits:
Argued by Steven B. Stevens for appellants and by Robert A. Brundage for respondents. Cause submitted.

B198970 Citizens Coalition to Preserve Telegraph Road
 v.
 City of Commerce et al.

Merits:
Argued by Robert L. Glushon for appellant and by Kenneth B. Bley for respondents. Cause submitted.

B204205 Richard Correa
 v.
 City of Inglewood et al.

Merits:
Argued by Michael McGill for appellant and by Geln E. Tucker for respondents. Cause submitted.

B201031 Bonifacio Nillo
 v.
 Angelina Nillo

Merits:
Argued by Rebecca Birmingham for appellant and by Barry T. Ward for respondent. Cause submitted.

DIVISION ONE (continued)

B204223 Donald K. Farrar
 v.
 RDK Collection Services, Inc., et al.

Merits:
Argued by Andrew Steinheimer for appellants and by Lani M. Goodman
for respondent. Cause submitted.

B201677 Delores Pugh
 v.
 Workers Compensation Appeals Board
 County of Los Angeles, Respondent

Merits:
Argued by Edward J. Singer for petitioner and by Jeffry M. Karls for
respondent. Cause submitted.

B204232 Phill J. Williams
 v.
 Church's Chicken et al.

Merits:
Argued by Phil J. Williams appellant in propria persona and by Kevin
McCurdy for respondents. Cause submitted.

Court in recess.

Court reconvenes at 11:00 a.m.

Present: Mallano, P.J., Rothschild, J., Hastings, J. (Assigned), and Weisberg, J.
(Assigned) and P. Silva, Deputy Clerk.

DIVISION ONE (continued)

B200344 Goldic Technology Inc.
 v.
 Maxmile Corporation et al.

Merits:
Argued by James T. Grant for appellant and by Dennis M. Alexander for respondents. Cause submitted.

B200335 Jane Merriam Cody
B200887 v.
B203737 Dayna Hester

Merits:
Argued by Charles Hokanson for appellant and by David S. Karton for respondent. Cause submitted.

Weisberg, J. (Assigned), leaves the bench.

B195293 Henry C. Yuen
 v.
 Molly H. Yuen

Merits:
Argued by Martin B. Snyder for appellant and by Henry S. David for respondent. Cause submitted.

Court adjourned.

B201280 Monks et al.
 v.
 City of Rancho Palos Verdes

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B205586 Los Angeles County, D.C F.S. (Not for Publication)
v.
A.S.

The orders appealed from are affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION FOUR

[illegible]

The judgment of the trial court is reversed with directions to enter a new order denying the petition for habeas corpus.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

[illegible]

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION FOUR (continued)

B197645 People (Not for Publication)
v.
Florez

The judgment is affirmed.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

B203241 People (Not for Publication)
v.
Sandoval

The sentence imposed September 24, 2007, is reversed, and the matter is remanded to the trial court with directions to resentence appellant on count 1 in accordance with *Sandoval*, as elaborated in our post-remand opinion (*People v. Sandoval* (Sept. 28, 2007, B187977) [nonpub. opn.]).

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

B203947 Los Angeles County, D.C F.S. (Not for Publication)
v.
E.H., et al.

The orders are affirmed.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FIVE

B201979 People (Not for Publication)
v.
Augustine Imperial et al

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION SIX

Court convened at 3:00 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Each of the following:

B199364 Safeco Ins. Co. of America v. Lynn
B199525 Santa Barbara School District v. Harmachis

Argument continued to December, 2008.

B204919 Guggenheim v. City of Goleta

Argument continued to February, 2009.

Each of the following:

B203119 Murray v. Zajic
B204344 Child Welfare Services v. J.J.
B207332 Child Welfare Services v. L.C. and M.V.

Argument waived; cause submitted.

DIVISION SIX (continued)

B210226 E.L.

v.

Santa Barbara Superior Court
(Child Welfare Services, r.p.i.)

Extraordinary:

Presented by E.L., petitioner, appearing in propria persona and by Joel Block, Deputy County Counsel, for real party in interest. Cause submitted.

B206171 Citizens Concerned Over Westmont Expansion

v.

County of Santa Barbara, et al.

Merits:

Argued by A. Barry Cappello for appellant; by Rachel Van Mullem, Deputy County Counsel, for respondent County of Santa Barbara and by David C. Fainer for respondent Westmont College. Cause submitted.

Court adjourned.

B208476 People

(Not for Publication)

v.

Ingles

The judgment (order of commitment) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SIX (continued)

B205336 Human Services Agency (Not for Publication)
 v.
 B.B.,

The order of the juvenile court is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B201315 People
 v.
 Childress

Filed order denying petition for rehearing.

DIVISION SEVEN

B199185 People (Not for Publication)
 v.
 Coleman

The cause is remanded to the trial court to determine the proper amount of presentence custody credit to which Coleman is entitled. In all other respects the judgment is affirmed. Following redetermination of Coleman's custody credit, the superior court is directed to prepare a corrected abstract of judgment and to forward it to the Department of Corrections and Rehabilitation.

Perluss, P.J.

I concur: Woods, J.
I dissent: Zelon, J. (Opinion)

DIVISION SEVEN (continued)

B189272 Harper et al., (Certified for Publication)
v.
24 Hours Fitness, Inc.

The order decertifying the class is reversed, and the cause remanded for further proceedings not inconsistent with this opinion. Harper and Salzwedel are to recover their costs on appeal.

Perluss, P.J.

I concur: Zelon, J.
I dissent: Woods, J. (Opinion)

B206361 Los Angeles County, D.C F.S. (Not for Publication)
v.
H. K. et al.,

The order terminating parental rights is reversed and the matter is remanded to the juvenile court with directions to order DCFS to comply with the notice provisions of ICWA and section 224.2. If, after proper notice, the court finds that H. K. II is an Indian child under ICWA, the court shall proceed in compliance with ICWA and section 224 et seq. If, however, the juvenile court finds that H.K. II is not an Indian child, the court shall reinstate the order terminating parental rights and designating adoption as the permanent plan for her.

Jackson, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION SEVEN (continued)

B200685 Daboub (Not for Publication)

v.

Bell Gardens Bicycle Club, Inc., et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Jackson, J.

We concur: Perluss, P.J.
 Zelon, J.

DIVISION EIGHT

B201939 People (Not for Publication)

v.

Theriault

The judgment is affirmed.

Bigelow, J.

We concur: Rubin, Acting P.J.
 Flier, J.

B203505 People (Not for Publication)

v.

M.F., A Person Coming Under Juvenile Court Law

The order adjudging M.F. a ward of the juvenile court is affirmed.

Bigelow, J.

We concur: Cooper, P.J.
 Rubin, J.

DIVISION EIGHT (continued)

B199565 People (Not for Publication)
v.
Randall

The judgment is affirmed.

Cooper, P.J.

I concur: Bigelow, J.
I concur: Flier, J (opinion)

[illegible]

The trial court's denial of appellant's motion to vacate is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B204014 People v. Odom (Not for Publication)

Construing the facts under the mandatory rules of appellate review, we conclude that jury's finding of possession for sale of cocaine base was sufficiently supported by the evidence presented at trial and that the trial court not abuse its discretion in denying the motion to strike prior convictions. The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

DIVISION EIGHT (continued)

[illegible]

The judgment is reversed. Pursuant to Business and Professions Code section 6086.7, subdivisions (a) and (b), the clerk is ordered to send a certified copy of this opinion to the State Bar and to deputy district attorney Grace Rai.

Cooper, P.J.

We concur: Rubin, J.
Bigelow, J.

B206646 Los Angeles County, D.C F.S. (Not for Publication)
v.
S.D.,

The juvenile dependency court's orders terminating S.D.'s parental rights are reversed, and the matter is remanded to the court with directions to assure compliance with the ICWA's notice provisions. If, after proof of proper notice under the ICWA is received by the court, a tribe claims that D.D. and/or D.H. is an Indian child, then the court shall proceed in conformity with all provisions of the ICWA. If no tribe claims the children, then the dependency court's orders terminating S.D.'s parental rights shall be reinstated.

Bigelow, J.

We concur: Rubin, Acting P.J.
Flier, J.

October 22, 2008 (Continued)

DIVISION EIGHT (continued)

1003563-08

The Honorable **SANDY R. KRIEGLER**, Associate Justice of the Court of Appeal, Second Appellate District, **Division Five**, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division Eight**, as a justice thereof, on the following date(s):

November 20, 2008

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal Justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Ronald M George
Chief Justice of California and
Chairperson of the Judicial Council